UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,333	10/24/2003	Jeremiah Seth Epling	MS1-1755US	8246

22801 7590 01/08/2010

LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

EXAMINER	
CHUMPITAZ, BOB R	
ART UNIT	**PAPER NUMBER**
3629	

NOTIFICATION DATE	DELIVERY MODE
01/08/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No.	Applicant(s)	
	10/693,333	EPLING ET AL.	
	Examiner	Art Unit	
	BOB CHUMPITAZ	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 November 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 15-20* is/are pending in the application.

4a) Of the above claim(s) *14 and 21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13, 15-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The following is a Non-Final Office action in response to communication received November 25, 2009. Claims 1-11 and 16 have been amended, and claims 14 and 21 have been cancelled. Therefore, claims 1-13 and 15-20 are pending and addressed below.

Response to Amendments

- In light of amendments to claim 11 and cancellation of claim 21, the Examiner withdraws the previous 35 USC 112 first paragraph rejections to claims 11 and 21.

- In light of amendments to claim 1, the Examiner withdraws the previous 35 USC 101 rejections to claims 1-10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 8-13 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over P3P Book: "Introduction to P3P" (www.p3pbook.com/ch01.pdf) (hereinafter P3P) in view of Silicon Press: "Platform for privacy preferences (P3P) technology brief" (2002) and in further view of Koike (US 2003/0084300 A1).

As per claim 1, P3P discloses a processor-executable method for outputting a transformed Web site privacy policy onto a display device, comprising:

receiving one or more user concerns, the one or more user concerns generated from a user concerns interface displayed on a client computer, the user concerns interface having a list of selectable user concerns (Pg. 4: P3P tools allow users to configure their web browsers with their personal privacy preferences); comparing, via a processor, the one or more user concerns with a Web site privacy policy (Pgs. 3, 7-8: tools to compare each policy against the user's privacy preferences and assist the user in deciding when to exchange data with websites).

With respect to: "identifying specific portions of the Web site privacy policy that conflict with the user concerns; outputting the Web site privacy policy onto the display device, wherein the identified specific portions are outputted from the conflict bucket and the identified specific portions appear before non-conflicting portions of the Web site privacy policy the conflict bucket containing only the specific portions of the Web site privacy policy that conflict with the user concerns," P3P discloses an example of the kind of information displayed by one P3P use agent, the AT&T Privacy Bird beta 1.1, where the AT&T Privacy Bird displays specific icons at sites with P3P policies that match and that do not match a user's privacy preferences. Users can click on the specific icon to view a summary of the site's privacy policy that is generated automatically from the site's P3P policy. At sites that do not match a user's preference, the policy summary also explains where the policy differs from the user's preferences (Pgs. 7-8). Additionally, the Silicon Press teaches pertinent subject matter indicating a process where web browsers match privacy policies against user preferences and alert the user in case of conflicts (Pgs. 2-3).

Furthermore, Koike also teaches pertinent subject matter directed to a method and system for administrating data including privacy of a user in communication made between a server and a terminal device. Koike teaches wherein a controller outputs data indicative of inconsistency between the privacy preference and the privacy policy [0039]. Lastly, Koike teaches wherein if a privacy policy is judged to be unacceptable to a user, a comparator outputs not only the results of comparison, but also data indicative of inconsistency between the privacy policy and the privacy preference [0121]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the computer readable format for privacy policies and protocol that enables web browsers to read and process privacy policies automatically of P3P to include the process of identifying conflicts between a website's privacy policy and user preferences as taught by Silicon Press and to include the process of outputting conflicting and non-conflicting web site privacy policy data comparison results as taught by Koike in order to effectively present website viewers with a detailed result outlining all of the data indicative to the data comparison process.

As per claims 2, the P3P/Silicon Press/Koike combination disclose claim 1 as rejected above, where P3P further discloses collecting user concerns from a user (Pgs. 3-4, 7-10: P3P tools allow users to configure their web browsers with their personal privacy preferences; collect information).

As per claims 3, P3P further discloses wherein the identifying specific portions of the Web site privacy policy that conflict with the user concerns further comprises displaying an icon to the display device (Pgs. 7-8: P3P discloses an example of the kind of information displayed by one P3P use agent, the AT&T Privacy Bird beta 1.1, where the AT&T Privacy Bird displays specific icons at sites with P3P policies that match and that do not match a user's privacy preferences. Users can click on the specific icon to view a summary of the site's privacy policy that is generated automatically from the site's P3P policy. At sites that do not match a user's preference, the policy summary also explains where the policy differs from the user's preferences).

As per claim 4, the P3P/Silicon Press/Koike combination disclose claim 1 as rejected above, where P3P further discloses the Web site privacy policy includes one or more policy statements (Pgs. 4-5: a P3P policy is a collection of vocabulary and data elements that describes the data practices of a particular web site (or section of a website)); and the comparing further comprises comparing each privacy policy statement with each user concern (Pgs. 3, 7-8: tools to compare each policy against the user's privacy preferences and assist the user in deciding when to exchange data with websites).

As per claims 5 and 6, the P3P/Silicon Press/Koike combination disclose claim 1 as rejected above, where P3P further discloses: wherein the privacy policy further comprises a policy file that conforms to P3P (Platform for Privacy Preferences Project) standards (Pgs. 3-11: platform for privacy preferences P3P); the privacy policy is contained in an XML (eXtensible Markup Language) file (Pgs. 5-6, 9: policies in XML).

As per claim 8, the P3P/Silicon Press/Koike combination disclose claim 1 as rejected above, where Silicon Press further teaches notifying the user that a conflict exists between the user concerns and the Web site privacy policy file (Pgs. 2-3: process where web browsers match privacy policies against user preferences and alert the user in case of conflicts).

As per claim 9, the P3P/Silicon Press/Koike combination disclose claim 1 as rejected above, where P3P further discloses wherein the outputting is performed in response to a user request to display the Web site privacy policy (Pgs. 7-8: users can click on the specific icon to view a summary of the site's privacy policy that is generated automatically from the site's P3P policy).

As per claim 10, the P3P/Silicon Press/Koike combination disclose claim 1 as rejected above, where P3P further discloses where claim 1 further comprising receiving a user request to initiate a policy analysis (Pgs. 7-8: users can click on the specific icon to view a summary of the site's privacy policy that is generated automatically from the site's P3P policy).

As per claim 11, P3P discloses a web site privacy policy evaluation and transformation system, comprising: one or more processors; and memory having instructions executable by the one or more processors (Pg. 3: the Platform for Privacy Preferences (P3P) project addresses this problem by providing both a standard, computer-readable format for privacy policies and a protocol that enables web browsers to read and process privacy policies automatically; Pg. 8, 10: P3P user agent might be built into an electronic wallet or other software that includes data

repository that stores data users usually exchange with web sites); a Web browser to allow the user to access one or more network Web sites based on the evaluation of the privacy policy file (Pg. 3-4: web browsers to communicate with web servers); a trust engine for evaluating the privacy file (Pg. 7: user agent), the trust engine enabled to:

> notify the user when the network Web site does not contain the privacy policy file (Pgs. 4, 8: alert users at sites that do not match their preferences. Examiner notes that it can be broadly interpreted for user preferences to include a variety of user specific requirements such as an alert when a web site does not contain the privacy policy file); query the user as to whether the user wishes to continue browsing the network Web site when the network Web site does not contain the privacy policy file (Pgs. 3-4, 8: alert, prompt users to take appropriate actions); evaluate the privacy policy file when the network Web site does contain the privacy policy file by comparing the user concerns with the privacy policy file included in a Web site (Pgs. 3-4, 7-8: compare each policy against the user's privacy preferences; check for P3P privacy policies at web sites and display symbols to alert users at sites that do not match their preference).
>
> With respect to: "identify specific portions of the privacy policy file that conflict with the user concerns when the network Web site does contain the privacy policy file; a transformation module to transform the privacy policy file into a user centric policy display that emphasizes the specific portions of the privacy policy file that conflict with the user concerns; and a user interface module to cause the

display of the transformed privacy policy file," P3P discloses an example of the kind of information displayed by one P3P use agent, the AT&T Privacy Bird beta 1.1, where the AT&T Privacy Bird displays specific icons at sites with P3P policies that match and that do not match a user's privacy preferences. Users can click on the specific icon to view a summary of the site's privacy policy that is generated automatically from the site's P3P policy. At sites that do not match a user's preference, the policy summary also explains where the policy differs from the user's preferences (Pgs. 7-8). Additionally, the Silicon Press teaches pertinent subject matter indicating a process where web browsers match privacy policies against user preferences and alert the user in case of conflicts (Pgs. 2-3). Furthermore, Koike also teaches pertinent subject matter directed to a method and system for administrating data including privacy of a user in communication made between a server and a terminal device. Koike teaches wherein a controller outputs data indicative of inconsistency between the privacy preference and the privacy policy [0039]. Lastly, Koike teaches wherein if a privacy policy is judged to be unacceptable to a user, a comparator outputs not only the results of comparison, but also data indicative of inconsistency between the privacy policy and the privacy preference [0121]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the computer readable format for privacy policies and protocol that enables web browsers to read and process privacy policies automatically of P3P to include the process of identifying conflicts between a website's privacy policy and user preferences as

taught by Silicon Press and to include the process of outputting conflicting and non-conflicting web site privacy policy data comparison results as taught by Koike in order to effectively present website viewers with a detailed result outlining all of the data indicative to the data comparison process.

Examiner notes: A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art- if the prior art has the capability to so perform. See MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987).

As per claim 12, the P3P/Silicon Press/Koike combination disclose claim 11 as rejected above, where P3P further discloses wherein the trust engine further compares each user concern with each of multiple statements making up the privacy policy file (Pgs. 3, 7-8: tools to compare each policy against the user's privacy preferences and assist the user in deciding when to exchange data with websites).

As per claim 13, the P3P/Silicon Press/Koike combination disclose claim 11 as rejected above, where Silicon Press further teaches wherein the Web browser further provides a conflict notification when there is a conflict between a user concern and the privacy policy file (Pgs. 2-3: process where web browsers match privacy policies against user preferences and alert the user in case of conflicts).

As per claim 15 the P3P/Silicon Press/Koike combination disclose claim 11 as rejected above, where P3P further discloses wherein the user interface module displays the portions of the privacy policy file that conflict with the user concerns more prominently than the portions of the privacy policy file that do not conflict with the user concerns (Pgs. 7-8: P3P discloses an example of the kind of information displayed by one P3P use agent, the AT&T Privacy Bird beta 1.1, where the AT&T Privacy Bird displays specific icons at sites with P3P policies that match and that do not match a user's privacy preferences. Users can click on the specific icon to view a summary of the site's privacy policy that is generated automatically from the site's P3P policy. At sites that do not match a user's preference, the policy summary also explains where the policy differs from the user's preferences).

As per claim 16, P3P discloses one or more computer-readable media including computer-executable instructions that, when executed on a computer, perform a method of: receiving a set of user concerns selected from a list of possible user concerns (Pg. 4: P3P tools allow users to configure their web browsers with their personal privacy preference); comparing the set of user concerns with a set of Web site privacy policy statements to determine if a privacy policy statement conflicts with a user concern (Pgs. 3, 7-8: tools to compare each policy against the user's privacy preferences and assist the user in deciding when to exchange data with websites).

With respect to: "identifying specific portions of the privacy policy statement that conflict with the user concern; adding metadata to the privacy policy statements' internal representation of the conflicting statements; re-ordering the privacy policy statements so that the specific portions of the privacy policy statement that conflict with the user

concern appear before the portions of the privacy policy statement that do not conflict with the user concern; and causing the display of the re-ordered privacy policy statements on a display device," P3P discloses an example of the kind of information displayed by one P3P use agent, the AT&T Privacy Bird beta 1.1, where the AT&T Privacy Bird displays specific icons at sites with P3P policies that match and that do not match a user's privacy preferences. Users can click on the specific icon to view a summary of the site's privacy policy that is generated automatically from the site's P3P policy. At sites that do not match a user's preference, the policy summary also explains where the policy differs from the user's preferences (Pgs. 7-8). Additionally, the Silicon Press teaches pertinent subject matter indicating a process where web browsers match privacy policies against user preferences and alert the user in case of conflicts (Pgs. 2-3). Furthermore, Koike also teaches pertinent subject matter directed to a method and system for administrating data including privacy of a user in communication made between a server and a terminal device. Koike teaches wherein a controller outputs data indicative of inconsistency between the privacy preference and the privacy policy [0039]. Lastly, Koike teaches wherein if a privacy policy is judged to be unacceptable to a user, a comparator outputs not only the results of comparison, but also data indicative of inconsistency between the privacy policy and the privacy preference [0121]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the computer readable format for privacy policies and protocol that enables web browsers to read and process privacy policies automatically of P3P to include the process of identifying conflicts between a website's privacy policy and user preferences as taught by Silicon

Press and to include the process of outputting conflicting and non-conflicting web site privacy policy data comparison results as taught by Koike in order to effectively present website viewers with a detailed result outlining all of the data indicative to the data comparison process.

As per claim 17, the P3P/Silicon Press/Koike combination disclose claim 16 as rejected above, where P3P further discloses collecting the set of user concerns from a user (Pgs. 3-4, 7-10: P3P tools allow users to configure their web browsers with their personal privacy preferences; collect information).

As per claim 18, the P3P/Silicon Press/Koike combination disclose claim 16 as rejected above, where P3P further discloses receiving a prompt from a user before executing the comparing, identifying, re-ordering, and the causing the display of (Pg. 3: prompt users).

As per claims 19 and 20, the P3P/Silicon Press/Koike combination disclose claim 16 as rejected above, where Silicon Press further teaches providing a conflict notification to a user to inform the user that specific portions of the privacy policy statement that conflict with the user concern have been identified; and only performing the causing the display of upon detection of a user response to the conflict notification (Pgs. 2-3: process where web browsers match privacy policies against user preferences and alert the user in case of conflicts; in case of a conflict the browser alerts the user who can then decide how to proceed).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over P3P in view of Silicon Press in view of Koike and in further view of W3Schools (www.w3schools.com) (© Feb. 2003).

As per claim 7, the P3P/Silicon Press/Koike combination disclose claim 1 as rejected above, but do not expressly disclose wherein outputting the Web site privacy policy includes outputting the Web site privacy policy in an XSL (extensible Stylesheet Language) transformation. However, W3Schools teaches how XML documents are displayed and transformed into XSL language (Pgs.1-11, XSL transformation). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the P3P/Silicon Press/Koike combination to include an XSL transformation process for displaying the re-ordered web site privacy policy as taught by W3Schools in order to efficiently and effectively display the privacy policy in XSL format.

Please note:

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See *e.g.* MPEP §2106 II C: "Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation"; and *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) "As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted." *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006)(where the Federal Circuit affirmed the Board's claim construction of "further including that said wall may be smooth, corrugated, or profiled with increased dimensional proportions as pipe size is increased" since "this additional content did not narrow the scope of the claim because these limitations are stated in the permissive form 'may.'").

Response to Arguments

Applicant's arguments submitted on November 25, 2009 are moot in view of the new grounds of rejections. See rejections above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571) 270-5494. The examiner can normally be reached on M-TR: 7:30AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN WEISS can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6494.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.

Examiner, Art Unit 3629

/JOHN G. WEISS/

Supervisory Patent Examiner, Art Unit 3629